

[Submitting Counsel Below]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF ROOPAL P. LUHANA
IN SUPPORT OF PLAINTIFFS' PORTION
OF THE JOINT LETTER REGARDING
UBER'S PRODUCTION OF MARKETING
MATERIALS**

This Document Relates to:

All Actions

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DECLARATION OF ROOPAL P. LUHANA

I, ROOPAL P. LUHANA, declare and state as follows:

1. I am an attorney in the law firm of Chaffin Luhana LLP, appointed Co-Lead counsel for Plaintiffs in the above-captioned Multi-District Litigation. I am a member of the State Bar of New York and am admitted pro hac vice to practice before this Court. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein. I submit this declaration in support of Plaintiffs' portion of the joint letter brief regarding Uber's production of marketing materials.

2. On February 28, 2024, Plaintiffs served their First Set of Request for Production ("RFPs"), which included the following at-issue requests:

No.	Central Request	Full Request for Production
6	Documents regrading marketing regarding the Uber Application.	Any and all agreements among or between any or all named Defendants RELATING TO the design, research, development, testing, marketing, advertising, public relations, lobbying, regulatory compliance, driver activity, data collection, and/or safety of YOUR Uber Application.
40	Documents regarding marketing or safety-related communications conveyed through the Uber App.	Any and all DOCUMENTS REGARDING any and all marketing or safety-related communications displayed or communicated to RIDERS through the Uber App.
55	Documents regarding "Safe Rides Fee," including decision to implement, reasons for implementation, and all communications, advertising, and marketing to Drivers and Riders regarding the Safe Rides Fee.	Any and all DOCUMENTS RELATED TO YOUR "Safe Rides Fee," including but not limited to the decision to implement the Safe Rides Fee, the reason for implementing the Safe Ride Fee, all communications to YOUR DRIVERS or RIDERS REGARDING the Safe Rides Fee, and advertising or marketing REGARDING the Safe Rides Fee.
98	Documents regarding marketing targeted to male riders.	Any and all DOCUMENTS RELATED TO marketing specifically to current or potential male RIDERS.
99	Documents regarding marketing targeted to female riders.	Any and all DOCUMENTS RELATED TO marketing specifically to current or potential female RIDERS.
100	Documents regarding marketing efforts portraying Uber as "safe" or providing "safe" rides.	Any and all DOCUMENTS RELATED TO marketing efforts or campaigns that portray

		YOU as “safe” or as providing “safe” RIDES.
101	Documents regarding analysis and assessments by Uber’s safety marketing department.	Any and all DOCUMENTS REGARDING YOUR analysis or assessments by YOUR safety marketing department.
102	Documents regarding marketing targeted at riders who choose Uber due to the consumption of alcohol.	Any and all DOCUMENTS REGARDING marketing directed to RIDERS who choose to use the Uber Application because they may have consumed alcohol.
103	Documents regarding marketing targeted to minor riders or their families.	Any and all DOCUMENTS REGARDING marketing directed specifically to RIDERS under the age of 18 or their families.
104	Documents regarding annual marketing and advertising budgets.	Any and all DOCUMENTS REGARDING YOUR annual marketing and advertising budgets.
105	Documents regarding public communications about sexual misconduct or sexual assault.	Any and all DOCUMENTS REGARDING YOUR public communications, including but not limited to advertising and marketing, about SEXUAL MISCONDUCT or SEXUAL ASSAULT.
107	Documents regarding advertising agreements between Uber and third parties regarding the Uber Application	Produce any and all agreements between YOU or any other named Defendant with any third party related to advertising, marketing, promotion, communications and/or public relations for YOUR Uber Application
145	Documents regarding recruitment of drivers.	Any and all DOCUMENTS RELATING TO YOUR recruitment of DRIVERS, including but not limited to marketing and incentives.
162	Documents reflecting Uber’s annual budget, expenditures for marketing and promotion of the Uber Application to Riders.	Produce DOCUMENTS that constitute, identify, or reflect YOUR annual budget and annual expenditures for the marketing or promotion of YOUR Uber Application to RIDERS.
163	Documents reflecting Uber’s annual budget, expenditures for marketing and promotion of the Uber Application to Drivers.	Produce DOCUMENTS that constitute, identify, or reflect YOUR annual budget and annual expenditures for the marketing or promotion of YOUR Uber Application to DRIVERS.

3. On June 27, 2024, Uber served its responses and objections and, as to the above RFPs, raised the primary objection that the requests “seek material[s] that [are] not relevant insofar as [they] purport[] to seek documents not related to sexual misconduct or sexual assault in connection with trips requested using the Uber app in the United States.”

1 4. Upon receipt of Uber’s objections, Plaintiffs promptly initiated the meet and confer
2 process on August 2, 2024.

3 5. For the next two months, Plaintiffs had multiple meet and confers with Uber,
4 discussed the relevance of the marketing requests and reiterated that the scope extended to all
5 marketing mediums, including in-app, online, print, and video, as well as finished materials,
6 assessments and studies, and marketing budget and financial documents. These discussions
7 continued through September 13, 2024 (ECF 1643), at which time Uber agreed that it would
8 produce responsive documents to the above RFPs for riders as related to the Uber rideshare app.
9 Uber committed to commence a rolling production on these materials by September 20, 2024 and
10 substantially completing production by October 15, 2024.

11 6. This agreement was also reflected in Plaintiffs’ portion of discovery updates in the
12 Joint Status Report for the December 19, 2024 Discovery Status Conference (*see* ECF 1957 at 4
13 (reporting that “Uber committed to produce all marketing documents targeted at riders”), which
14 Uber did not dispute. *See id.* at 4-5.

15 7. Rather than producing all, or even substantially all of its marketing documents
16 targeted at riders, on October 11, 2024, Uber produced documents from Exact Target, an email
17 template system used from 2017 and deprecated in 2021.

18 8. Upon review of the documents, it became apparent that Uber’s production was
19 deficient as to source and content.

20 9. On source, Uber’s decision to limit production to Exact Target was unjustified, as
21 there is no dispute that additional noncustodial sources existed but, unbeknownst to Plaintiffs, were
22 not (and would not be) searched. To date, Uber has provided no compelling reason for its omission.

23 10. On content, the Exact Target production was riddled with errors. The production
24 omitted critical metadata, such as sending email address, message author, email title, subject line,
25 as well as family associations. For example, on initial review, 2,727 documents omit the email
26 address from which the message was sent; 2,336 documents omit the author of the message; 1,928
27 documents omit the email title; and 409 documents omit the subject line of the email. The
28 production was also devoid of any way to confirm or verify whether these email templates were

1 ever used by Uber *at all*. In addition, the Exact Target production did not allow for association of
 2 family relationships, making it impossible for Plaintiffs to determine which email templates (*e.g.*,
 3 banners or other marketing text) relate to any finished email. Plaintiffs provide the following
 4 sample documents that demonstrate these deficiencies:

- 5 a. Attached as Exhibit A is a true and correct copy of
 UBER_JCCP_MDL_000576401;
- 6 b. Attached as Exhibit B is a true and correct copy of
 UBER_JCCP_MDL_000576405;
- 7 c. Attached as Exhibit C is a true and correct copy of
 UBER_JCCP_MDL_000579003; and,
- 8 d. Attached as Exhibit D is a true and correct copy of
 UBER_JCCP_MDL_000581561.

11 11. To resolve these production deficiencies, between November 7, 2024 and
 12 December 22, 2024, Plaintiffs had at least four (4) meet and confers with Uber, during which Uber
 13 repeatedly indicated that it was investigating these issues. Unfortunately, Uber never provided any
 14 meaningful resolution.

15 12. On December 20, 2024, Uber claimed confusion as to the types of marketing
 16 materials requested, stating that it was too difficult to ascertain which materials would be
 17 responsive. Plaintiffs noted that the requests were clear on their face and reiterated that Plaintiffs
 18 sought advertising across all mediums, as described above. In addition, Plaintiffs directed Uber's
 19 attention to Plaintiffs' Interrogatories Nos. 23-48, as *examples* of the types of slogans, messaging,
 20 and documents at issue:

No.	Central Question	Full Interrogatory
23	Identify the audience to whom Uber communicated, "Everyone's Private Driver."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated its slogan: "Everyone's Private Driver."
24	Identify the audience to whom Uber communicated, "Ride with Uber."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated its slogan: "Ride with Uber."

1	25	Identify the audience to whom Uber communicated, “Uber is the smartest way to get around.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated its slogan: “Uber is the smartest way to get around.”
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4	26	Identify the audience to whom Uber communicated, “Wherever you’re headed, count on Uber for a ride.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated its slogan: “Wherever you’re headed, count on Uber for a ride.”
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8	27	Identify the audience to whom Uber communicated, “Wherever you’re headed, count on Uber for a ride.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Wherever you’re headed, count on Uber for a ride.”
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12	28	Identify the audience to whom Uber communicated, “Safe, reliable rides in minutes.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Safe, reliable rides in minutes.”
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16	29	Identify the audience to whom Uber communicated, “Ride with confidence. The Uber experience was built with safety in mind.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Ride with confidence. The Uber experience was built with safety in mind.”
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21	30	Identify the audience to whom Uber communicated, “we’re dedicated to helping you move safely.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “we’re dedicated to helping you move safely.”
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25	31	Identify the audience to whom Uber communicated, “our commitment to safety” and “our commitment to your safety.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “our
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1		commitment to safety” and “our commitment to your safety.”
2	32	Identify the audience to whom Uber communicated, “At Uber, safety never stops.”
3		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “at Uber, Safety Never Stops.”
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5	33	Identify the audience to whom Uber communicated, “Sign up for a ride.”
6		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Sign up to ride.”
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9	34	Identify the audience to whom Uber communicated, “Safest rides on the road.”
10		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Safest rides on the road.”
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12	35	Identify the audience to whom Uber communicated, “setting the strictest standards possible, and then working hard to improve them every day.”
13		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “setting the strictest standards possible, and then working hard to improve them every day.”
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17	36	Identify the audience to whom Uber communicated, “From the moment you request a ride to the moment you arrive, the Uber experience has been designed from the ground up with your safety in mind.”
18		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “From the moment you request a ride to the moment you arrive, the Uber experience has been designed from the ground up with your safety in mind.”
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23	37	Identify the audience to whom Uber communicated that its background checks were “gold standard.”
24		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated that its background checks were “gold standard.”
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26	38	Identify the audience to whom Uber communicated, “From the start to finish, a ride you can trust.”
27		Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to
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		which Uber communicated the phrase: "From start to finish, a ride you can trust."
39	Identify the audience to whom Uber communicated, "[S]afe rides for everyone: whether riding in the backseat or driving up front, every part of the Uber experience is designed around your safety and security."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "[S]afe rides for everyone: Whether riding in the backseat or driving up front, every part of the Uber experience is designed around your safety and security."
40	Identify the audience to whom Uber communicated, "How we keep you safe."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "How we keep you safe."
41	Identify the audience to whom Uber communicated, "Trip Safety, Our Commitment to Riders."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "Trip Safety, Our Commitment to Riders."
42	Identify the audience to whom Uber communicated, "Uber is dedicated to keeping people safe on the road."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "Uber is dedicated to keeping people safe on the road."
43	Identify the audience to whom Uber communicated, "Building safer journeys for everyone."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "Building safer journeys for everyone."
44	Identify the audience to whom Uber communicated, "Our new Door-to-Door Safety Standard. We want you to feel safe riding with Uber."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: "Our new Door-to-Door Safety Standard. We want you to feel safe riding with Uber."
45	Identify the audience to whom Uber communicated, "Focused on safety, wherever you go."	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to

		which Uber communicated the phrase: “Focused on safety, wherever you go.”
46	Identify the audience to whom Uber communicated, “We’re committed to helping to create a safe environment for our users.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “We’re committed to helping to create a safe environment for our users.”
47	Identify the audience to whom Uber communicated, “Designing a safer ride.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Designing a safer ride.”
48	Identify the audience to whom Uber communicated, “We’re helping to create safe journeys for everyone.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “We’re helping to create safe journeys for everyone.”
49	Identify the audience to whom Uber communicated, “Safe rides around the clock.”	Identify (by listing Communication Channels used, quantifying and describing the audience reached, and stating the applicable dates and geographic region) the audience to which Uber communicated the phrase: “Safe rides around the clock.”
53	Identify all communications informing Riders that Uber does not provide rides or transportation.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that Uber does not provide rides or transportation.
54	Identify all communications informing Riders that Uber does not provide safe rides.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that Uber does not provide safe rides.
55	Identify all communications informing Riders that UberX Drivers were not professional drivers.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that UberX Drivers were not professional drivers.
56	Identify all communications informing Riders that UberX Drivers were not Uber employees.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that UberX Drivers were not Uber employees.

57	Identify all communications informing Riders that Uber will not be held responsible or accountable for Drivers' actions that injure riders.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that Uber will not be held responsible or accountable for Drivers' actions that injure Riders.
58	Identify all communications informing Riders that Uber will not be held responsible or accountable for Sexual Misconduct by Drivers.	Identify (by Communication Channel, date range, geographic region, and audience reached) any and all Communications by You informing Riders that Uber will not be held responsible or accountable for Sexual Misconduct by Drivers.

13. On December 20, 2024, Uber stated that it would not identify and search from any other noncustodial source besides Exact Target. According to Uber, it was unilaterally limiting production to custodial sources and, to the extent those sources overlapped with centralized repositories, those would be searched as well through search terms. Uber asserted that if Plaintiffs wanted any other noncustodial source to be searched it was Plaintiffs' burden to identify those sources.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 23, 2024, in Brooklyn, New York.

/s/ draft
Roopal P. Luhana